

REMARKSStatus of the Claims

Claims 1 through 20 are pending in this application. By way of this amendment, applicant amends claims 1, 2 and 12. Applicant also adds new claim 21.

Claim 1 has been amended to more clearly state that the present invention claims a carrier configured to hold a container, the container having a door that reciprocates between open and closed positions. The carrier comprises a mobile body that is adapted to receive the container. The carrier also comprises an extension that is coupled to the body that moves reciprocally with respect to the body, the extension being adapted to engage the door of the container with the reciprocal movement of the extension being adapted to reciprocate the door of the container between open and closed positions.

Claim 2 has been amended to make clear for the Examiner that the carrier of claim 2 includes a container with a door, that the door is mounted to slide between opened and closed positions, and the extension is coupled for reciprocal movement along a substantially straight path.

Claim 12 has been amended to make clear for the Examiner that the present invention also encompasses a container system that comprises a container with a door that reciprocates between opened and closed positions such that the door slides with respect to the container. The container system also includes a carrier that holds the container, the carrier including a body that receives the container and comprises an extension that is coupled to the body that moves reciprocally with respect to the body with the extension being adapted to engage the door of the container. Furthermore, the reciprocal movement of the extension is adapted to reciprocate the door of the container for sliding between opened and closed positions.

Claim Rejections

Claim 2 has been rejected under 35 U.S.C. § 112, second paragraph. Claim 2 has been amended to more clearly claim that the door and the container are specifically being claimed.

Claims 1 through 5, 7, 8 and 10 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Marek (U.S. Patent 3,333,721). Applicant contends that, as amended, claim 1, and all claims dependent from claim 1, are allowable over the art of records for the reasons set forth below.

Claim 1 contains a feature which is neither disclosed nor suggested by the art of record, namely:

**... said extension being adapted for engagement
with the door of the container, and said
reciprocal movement of said extension being
adapted to reciprocate the door of the container
between the opened and closed positions.**

Marek discloses a waste container used to hold cardboard boxes containing radioactive waste. The outer container has a slidable door in the top of the container for access to cardboard boxes within. Marek fails to suggest a carrier body having an extension adapted for engagement with a door of a container received within the body, as recited in claim 1. Marek fails to suggest any extension on a container for engagement with any part of a cardboard box within. Claim 1 therefore is not anticipated by Marek. Likewise, all claims dependent from claim 1, in particular, claims 2 through 5, 7, 8 and 10 are allowable over Marek as well.

Claims 1 through 3, 5, 7, 8, 10, 12, 14, 16 and 18 through 20 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Patey (U.S. Patent

5,348,222). Applicant contends that, as amended, claims 1 and 12, and all claims dependent from claims 1 and 12, are allowable over Patey for the reasons set forth below.

As stated above with reference to Marek, claim 1 recites that the carrier has an extension adapted for engagement with the door of the container. Claim 12, although not identical to claim 1, contains a similar feature and further recites a container system that includes a container. This feature is not disclosed or suggested by Patey.

Patey discloses a garbage can container system that includes a housing with a lid operated by a foot pedal. The lid swings upward when the foot pedal is depressed. Similar to Marek, this reference does not disclose an extension that is adapted for engagement with a door of a container received within a carrier. Rather, Patey teaches a housing for open-topped receptacles. The container of Patey does not have a door, and there is no suggestion in Patey of any extension between Patey's housing and the receptacles therein.

As Patey does not disclose all the features of claims 1 and 12, these claims are not anticipated by the reference. All claims dependent from claims 1 and 12, therefore, are allowable over Patey as well.

Claims 1, 2, 10 through 13 and 20 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Sulcek (U.S. Patent 3,869,979). Applicant contends that claims 1, 12, and all claims dependent from claims 1 and 12 are allowable over Sulcek for the reasons set forth below.

As stated above in reference to Marek and Patey, claims 1 and 12 recite the feature that the extension is adapted to engage a door of the container. Sulcek, similar to Marek and Patey, does not disclose this feature. Sulcek discloses a trash compactor unit with a door that slides forward on rails to expose the container.

One side of the container is detachable from the balance of the container and can be placed onto a cart. Similar to Patey and Marek however, Sulcek does not disclose an extension on a carrier adapted to engage a door of a container therein. The container of Sulcek does not include a door, and there is no suggestion of an extension between the compactor unit and a door of an interior container. Claims 1 and 12, therefore, are allowable over Sulcek. All claims dependent from claims 1 and 12 likewise are allowable over Sulcek.

Claims 1, 2, 10 through 13 and 20 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Fink. Applicant contends that, as amended, claims 1 and 12 and all claims dependent from claims 1 and 12, are allowable over Fink for the reasons set forth below.

Claims 1 and 12 contain a feature which is neither disclosed and, nor suggested by, the order of record, namely:

**... an extension coupled to said body for
reciprocal movement with respect to said body,
said extension being adapted for engagement with
the door of the container...**

Fink does not disclose the feature of claims 1 and 12 stated above. Fink discloses a disposal container for medical waste. The outer container comprises a slidable lid that has a circular aperture in the neck of the lid that can be closed with a plug. The lid has a pivoting carrying handle that can be used to slide the lid off and on the container. The container fits into a body that has a handle and is lockable. The body can be used to transport one or more containers. Fink fails to suggest an extension coupled to the body and adapted for engagement with a door of a container, as recited in claims 1 and 12. Therefore, Fink does not anticipate claims 1 and 12, as amended.

Claims 1 through 3, 6, 10 through 14, 17 and 20 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Rowe. As amended, claims 1 and 12, and all claims dependent from claims 1 and 12, are not anticipated by Rowe for the reasons set forth below.

Claim 1 contains a feature which is neither disclosed in, nor suggested by, the art of record, namely:

**... a mobile body adapted to receive the
container ...**

Rowe discloses a fixed carrier which is adapted to hold a container. The carrier is fixed and raised off the ground to allow for ease of cleaning under the container. Also, the bottoms of the metal container do not sit in wet leaves and soil, thus preventing rust. Not only is the body of Rowe not mobile as recited in claim 1, it is not designed to be mobile. It is designed to be fixed above the ground. As Rowe does not disclose a mobile body adapted to receive the container, claim 1, and all claims dependent from claims 1, are allowable over Rowe.

Claim 12 contains features which are neither disclosed in, nor suggested by, the art of record, namely:

**... said door being mounted to slide with respect
to said container ...**

**... said reciprocal movement of said extension
being adapted to reciprocate said door of said
container for sliding between said opened and
closed positions.**

Rowe discloses a door that is designed to lift off the top of the container. The container of Rowe is a common household garbage can that has a

common removable lid. The door of the container is not mounted to slide with respect to said container, as recited by claim 12. Claim 12 therefore, and all claims dependent from claim 12, are allowable over Rowe.

Claims 6 and 9 through 11 have been rejected under 35 U.S.C. § 103(a) as being obvious in view of Marek in combination with Baker. As discussed above, Marek does not disclose an extension adapted for engagement with a door of the container. Similarly, Baker is adapted to open a door of an outer housing, not a door on a container within the housing. Therefore, as Baker does not add to Marek the features of claim 1 which are missing from Marek, and the combination does not disclose all the features of claim 1. Claim 1, and all claims dependent from claim 1, are therefore allowable over the combination of Marek with Baker.

Claims 12 through 16 and 18 through 20 have been rejected under 35 U.S.C. §103(a) as being obvious in view of Fink modified by Marek. Applicants contend that, as amended, claim 12 is allowable over this combination of references for the reasons set forth below.

As discussed above, Fink fails to suggest a container with a door and a carrier having an extension coupled to the door of the container. The addition of the springs of Marek to the door of Fink does not suggest an extension coupled to the body as recited in claim 12. Accordingly, even the proposed combination of Fink and Marek fails to suggest all of the recited features of claim 12.

Furthermore, Fink teaches away from using the slideable door of Marek in place of circular waste aperture and closure plug. Fink states that the closure plug forms a secure seal (col. 7, lines 65-68) and that the plug can be used to "tamp the article down into the receptacle" if an article does not completely drop into the container (col. 9, lines 56-63). The slideable door of Marek does not form a secured seal. In fact, Marek states "such a container need not be air-tight...." (col. 3,

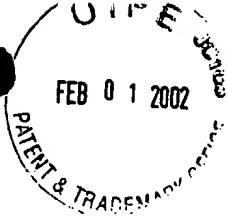
line 16) in reference to his disclosed invention. Therefore, one of ordinary skill in the art would not use the door of Marek as the lid of Fink, as this would defeat the stated purpose of Fink, that is, to form a secure seal and for use as a tamp. As such, claim 12 is allowable over the combination of Fink and Marek. All claims dependent from claim 12 are allowable as well.

Claims 17 through 20 have been rejected under 35 U.S.C. § 103(a) as being obvious in view of Fink in combination with Marek and further in combination with Baker. Baker does not add to Fink and Marek the features of claim 12 that are missing, as stated above. Therefore, the addition of Baker does not render obvious claims 17 through 20, which are dependent from independent claim 12.

Claim 21 has been added to recite a carrier that is configured to hold a container, the container having a door mounted for reciprocation between opened and closed positions. The carrier comprises a body that receives the container and includes a member positioned to capture the container within said body. The carrier also includes an extension coupled to the member of the body that moves reciprocally with respect to the body. The extension is adapted to engage with the door of the container and the reciprocal movement of the extension is adapted to slide the door of the container between the opened and closed positions. It is respectfully submitted that claim 21 is allowable over the art of record.

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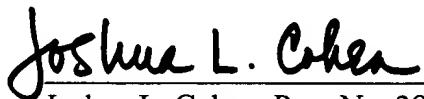
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**Conclusion**

For the reasons set forth above, applicant contends that all pending claims are in condition for allowance. Reconsideration and allowance are respectfully requested.

Respectfully Submitted,

RATNER & PRESTIA



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Enclosures: Version with markings to show changes made

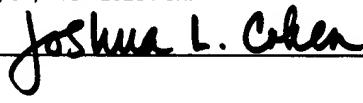
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January 14, 2002

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VERSION WITH MARKINGS TO SHOW CHANGES MADE**IN THE CLAIMS:**

1 1. (Amended) A carrier configured to hold a container having a
2 door mounted for reciprocation between opened and closed positions, said carrier
3 comprising:

4 a mobile body adapted to receive the container; and
5 an extension coupled to said body for reciprocal movement with
6 respect to said body, said extension being adapted for engagement with the door of
7 the container, and said reciprocal movement of said extension being adapted to
8 reciprocate the door of the container between the opened and closed positions.

1 2. (Amended) The carrier recited in claim 1, further comprising a
2 container with a door [wherein], the door of the container [is] being mounted to slide
3 between the opened and closed positions, said extension being coupled for reciprocal
4 movement along a substantially straight path.

1 12. (Amended) A container system comprising:
2 a container having a door mounted for reciprocation between opened
3 and closed positions, said door being mounted to slide with respect to said container;
4 and

5 a carrier configured to hold said container, said carrier comprising a
6 body adapted to receive said container and an extension coupled to said body and for
7 reciprocal movement with respect to said body, said extension being adapted for
8 engagement with said door of said container, and said reciprocal movement of said
9 extension being adapted to reciprocate said door of said container for sliding between
10 said opened and closed positions.

1 21. (Newly Added) A carrier configured to hold a container having
2 a door mounted for reciprocation between opened and closed positions, said carrier
3 comprising:

4 a body adapted to receive the container, said body including a member
5 positioned to capture the container within said body; and

6 an extension coupled to said member of said body for reciprocal
7 movement with respect to said body, said extension being adapted for engagement
8 with the door of the container, and said reciprocal movement of said extension being
9 adapted to move the door of the container between the opened and closed positions.